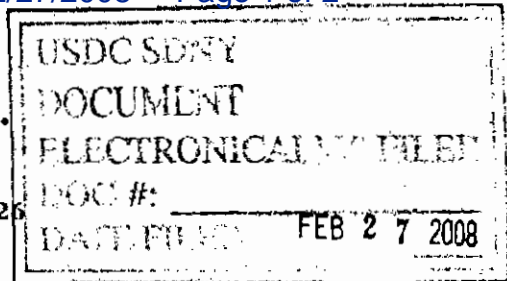


**LEVY RATNER, P.C.**  
Attorneys at Law  
80 Eighth Avenue  
New York, New York 10011-5126

Telephone (212) 627-8100  
Telecopier (212) 627-8182



Richard A. Levy  
Daniel J. Ratner  
Daniel Engelstein\*  
Cwynne A. Wilcox\*  
Patricia Jeffrey  
Owen M. Russell\*  
Kevin Finnegan  
Carl J. Levine  
David Slutsky\*  
Allyson L. Balovin  
Suzanne Hapner\*

Ezekiel D. Carder\*  
Dana E. Linsky\*  
Sara D. Newman\*  
Susan J. Cameron\*  
Mirah Wisinger\*

Senior Counsel:  
Richard Dorn  
Jennifer J. Middleton\*  
Paul Schachter\*  
Denise Reinhardt\*

February 26, 2008

**BY FACSIMILE (212-805-0426)**  
**AND FIRST-CLASS MAIL**

Hon. Laura Taylor Swain  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 755  
New York, NY 10007-1312

**NOT RECORDED**

Counsel:  
Anthony DiCaprio  
Michael Steven Smith  
David P. Horowitz\*



**Re: Malone, et al. v. New York Pressmen's Union No. 2**  
**Index No. 07 Civ. 9583 (LTS)**

Dear Judge Swain:

We represent the Defendant Union in the above matter. We are writing, with the consent of Plaintiffs' counsel, to adjourn the pre-trial conference scheduled for March 7, 2008 and to suspend the attendant disclosure and other pre-trial obligations pending disposition of the Union's pending motion to dismiss, Plaintiffs' anticipated motion to amend their Complaint, and the formal appearance of the other defendant, which I understand was served sometime in January, 2008.

Subject to the Court's approval, we have agreed to the following schedule with respect to our motion to dismiss and Plaintiffs' motion to amend the complaint and compliance with the pre-motion conference consultation requirements:

1. Defendant Union has volunteered to provide Plaintiffs' counsel with information submitted to the EEOC (e.g., the breakdown of the seniority lists, explanation of the seniority system, some chronology of events and other matters) which will hopefully provide a more focused context for the redrafting of the Complaint;

2. By Wednesday March 5, 2008, Plaintiffs will provide us with a proposed amended complaint;

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\* Admitted in NY, MA and DC. \* Admitted in NY, NJ and PA. \* Admitted in NY and DC. \* Admitted in NY and NJ. \* Admitted in NY and CT.  
\* Admitted in NY and CA. \* Admitted in NY, NJ and CA. \* Admitted in NY, CA and OR. \* Admitted in NY, NJ and CT. \* Admitted in NJ only. \* Admitted in NY and MA.

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February 26, 2008  
Page 2

3. On Monday, March 10, 2008, we will inform Plaintiffs' counsel as to whether we will consent to the filing of the amended complaint;

4. If we do not consent to the amendment because it is not materially different from the initial complaint, we will file our reply papers on the pending motion to dismiss on or before March 14, 2008 and oppose the motion to amend on the grounds that the amended complaint is also insufficient; and,

5. If the amended complaint is sufficiently materially different that the court would likely grant the motion to amend, we will consent to the amendment and enter into a stipulation that will provide for additional time in which Defendant Union may answer or renew its motion to dismiss.

Please advise us if the foregoing is acceptable.

Respectfully submitted,

LEVY RATNER, P.C.



Daniel Engelstein (DE2499)

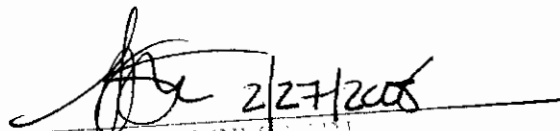
Attorneys for Defendant Union

DSE:jos

cc: Jennifer DeVenuti, Esq. (via facsimile - 631-756-0547)  
Plaintiffs' Counsel

*The proposed schedule is approved.*

SO ORDERED.



2/27/2008  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE